

City and County of San Francisco



Gavin Newsom
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Small Micro Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Chris Iglesias
Executive Director

December 12, 2008

Andrew C. von Eschenbach, M.D., Commissioner
U.S. Food and Drug Administration
5600 Fishers Lane
Rockville, Maryland 20857

Re: Ban on Blood Donations from Men who Have Sex with Men

Dear Dr. von Eschenbach:

The City and County of San Francisco Human Rights Commission is a city agency working to provide leadership and advocacy to secure, protect, and promote human rights for all people. Recently the Human Rights Commission's Lesbian Gay Bisexual Transgender Advisory Committee hosted a panel of several medical experts who discussed the FDA's lifetime ban on blood donations from men who have sex with men (MSM).

The information we received from the panel, as outlined below, confirms the position long held by many experts and advocates that the FDA's lifetime ban on blood donations from MSM is discriminatory and has no sound medical or scientific justification.

The panel, which took place on July 15, 2008, consisted of prominent medical professionals with expertise in the field of HIV disease and/or blood supply safety, including Dr. Paul Volberding, Professor and Vice Chair of the UCSF Department of Medicine, Dr. Kim-Anh Nguyen, Medical Director of the Blood Centers of the Pacific, and Dr. Grant Nash Colfax, Director of HIV Prevention & Research, San Francisco Department of Public Health. The Committee learned the following facts leading to our position that the FDA's lifetime ban is clearly discriminatory and must be revised:

- With increased sensitivity of HIV testing over the years, the risk of HIV transmission from blood donations has continued to decrease. Current testing is highly sensitive and can pick up HIV in blood within ten to twelve days of infection.
- All blood donations are screened for the presence of HIV and other transmittable diseases, and an effective system is already in place to remove tainted blood products from the supply chain.



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- The current FDA lifetime ban on MSM blood donations is outdated and medically unjustified given current HIV testing technology. A revision of the ban would cause remote additional risk to the blood supply. In fact, leading medical experts in the field believe that because the current screening test is so sensitive, even a policy that abolished all deferrals for MSM would only increase the risk of HIV transmission in the blood supply very minimally.
- The blood banking community agrees that the time for change in the policy has come, and have issued a joint statement supporting revision of the ban from a lifetime ban for MSM to a one year deferral period.
- Currently, the risk of HIV transmission among the MSM population and the heterosexual population is nearly equal but the deferral period for high-risk heterosexual sexual activity is only one year. These differing policies fail to serve the goal of reducing the risk of HIV transmission in the blood supply.
- Finally, the minimal risk of lifting the lifetime ban against blood donations by MSM is clearly outweighed by the public health benefit of an increased blood supply.

Our Commission recently adopted a resolution on this issue that is enclosed for your review. For all of the reasons articulated above, the San Francisco Human Rights Commission urges the FDA to revise its current policy to one that is both non-discriminatory and medically and scientifically justified.

We look forward to your response.

Sincerely,



Cecilia Chung
Chair

cc: Dr. Mitchell Katz, Director of Public Health, SF Dept of Public Health
Dr. Paul Volberding, Professor and Vice Chair of the UCSF Department of Medicine
Dr. Kim-Anh Nguyen, Medical Director of the Blood Centers of the Pacific
Dr. Grant Colfax, Director of HIV Prevention & Research, SF Dept of Public Health